

BEFORE THE
WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION
WASHINGTON, D. C.

ORDER NO. 522

IN THE MATTER OF:

Served September 2, 1965

Application of Raymond Warrenner,)
t/a Blue Line Sightseeing Company,)
for a Certificate of Public Con-)
venience and Necessity (grandfather).)

Application No. 58

Docket No. 39

Pursuant to the "grandfather" clause of Section 4(a), Article XII, Title II, Washington Metropolitan Area Transit Regulation Compact, Raymond Warrenner, t/a Blue Line Sightseeing Company, seasonable filed an application for a certificate of public convenience and necessity. The application was protested by various parties, as set forth in previous orders. Thereafter, the Commission issued, on March 9, 1964, its Order No. 342, granting said application. Following requests for reconsideration, and after oral argument, the Commission issued, on September 11, 1964, its Order No. 384. This order granted the applicant the right to engage in charter and sightseeing operation within the District of Columbia, but refused to authorize applicant the right to engage in sightseeing operation between Virginia and the District of Columbia.

Applicant appealed to the United States Court of Appeals for the District of Columbia Circuit. On May 13, 1965, that Court set aside Order No. 384 and remanded the proceeding to the Commission "to consider the reinstatement of its Order No. 342 in the light of the foregoing" opinion.

The protestants, A. B. & W. Transit Company, D. C. Transit System, Inc., The Gray Line, and W. V. & M. Coach Company, have filed a petition for further hearing in order to present additional evidence, which allegedly relates to the bona fide nature of Warrenner's operations. Except for a copy of the transcript of the Virginia Commission's hearing on Warrenner's application for Virginia sightseeing authority, the protestants did not offer any evidence at the hearing held by this Commission prior to the issuance of the above mentioned orders. They have not alleged that the evidence they wish to present now was unavailable at that time.

Further hearing is not warranted. The factual circumstances surrounding Warrenner's interstate operations are unequivocal and have been fully detailed in Order No. 342.

The Commission is of the opinion that the petition for further hearing should be denied and that Order No. 342 should be reinstated.

THEREFORE, IT IS ORDERED:

1. That the protestants' petition for reopening and reconsideration be, and it is hereby, denied.
2. That Order No. 342, previously issued on March 9, 1964, be, and it is hereby, reinstated and reissued.
3. That this order become effective October 1, 1965.

BY DIRECTION OF THE COMMISSION:


DELMER ISON
Executive Director